

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 98-698

December 22, 1998

HAMPDEN TELEPHONE COMPANY,  
HARTLAND & ST. ALBANS TELEPHONE COMPANY, ORDER  
THE ISLAND TELEPHONE COMPANY, SOMERSET  
TELEPHONE COMPANY WARREN TELEPHONE COMPANY  
AND WEST PENOBSCOT TELEPHONE COMPANY  
Request for Waiver of Chapter 25  
Subsection 3 (D)

WELCH, Chairman; NUGENT, and DIAMOND Commissioner

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**I. SUMMARY**

In this Order, we grant the request of Hampden Telephone Company, Hartland & St. Albans Telephone Company, The Island Telephone Company, Somerset Telephone Company, Warren Telephone Company and West Penobscot Telephone Company (collectively the TDS Companies) for a waiver of subsection 3(D) of Chapter 25 of the Commission's rules.

**II. BACKGROUND**

On September 10, 1998, the TDS Companies filed a request for a waiver of subsection 3(D) of Chapter 25 of the Commission's rules that requires the TDS Companies to provide a Local Exchange Carrier Coin-Operated Telephone in every area served by each central office. The TDS Companies are seeking this waiver as each company is selling all of its payphones to PhoneTel and will no longer be operating payphones in its service area. Excluded from this sale are the various "community telephones" (which permit free local calls without coins) currently operated by The Island Telephone Company.

**III. DECISION**

We exercise our authority outlined in section 8 and grant the TDS Companies' request for a waiver of subsection 3(D). The TDS Companies have shown good cause and the waiver is not inconsistent with the intent of this Chapter as each company will continue to monitor the existence of payphones in its service area and shall inform the Commission if it becomes aware of any exchange that is to have payphone service discontinued.

Nothing in this decision limits the Commission's authority or responsibility under applicable State or Federal law to

address matters concerning public interest payphones. The waiver granted herein does not free the TDS Companies from any public interest payphone obligation which the Commission, pursuant to appropriate process, may determine. In addition, The Island Telephone Company will continue to provide "community telephones" pending a Public Interest Payphone Order or Rule from this Commission or the FCC or a further Order or Waiver from this Commission.

Therefore, we

O R D E R

1. That Hampden Telephone Company, Hartland & St. Albans Telephone Company, The Island Telephone Company, Somerset Telephone Company, Warren Telephone Company and West Penobscot Telephone Company be granted waivers of subsection 3(D) of Chapter 25 of the Commission's rules.

Dated at Augusta, Maine this 22nd day of December, 1998.

BY ORDER OF THE COMMISSION

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Dennis L. Keschl  
Administrative Director

COMMISSIONERS VOTING FOR:      Welch  
   Nugent  
   Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320 (1)-(4) and the Maine Rules of Civil Procedure, Rule 73 et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320 (5).

Note:The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.